

Oct 20, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICHARD EUGENE YALLUP, JR.,

Plaintiff,

v.

RENEE S. TOWNSLEY,

Defendant.

No. 2:20-cv-00163-SMJ

**ORDER DISMISSING
COMPLAINT WITH PREJUDICE**

By Order filed August 11, 2020, the Court advised Plaintiff Richard Eugene Yallup, Jr. of the deficiencies of his Complaint, ECF No. 1, and directed him to either amend his Complaint or file a motion to voluntarily dismiss this action within sixty days. ECF No. 9. Plaintiff, currently incarcerated at the Clallam Bay Corrections Center, is proceeding *pro se* and *in forma pauperis*. Defendant has not been served. The Court cautioned Plaintiff that if he failed to amend his Complaint or voluntarily dismiss this action, the Court would dismiss it for failure to state a claim under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). The deadline to file has passed and Plaintiff has filed nothing further.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE** because Defendant's quasi-judicial immunity cannot give rise to civil liability. *Mullis v. U.S. Bankruptcy Court for Dist. of Nev.*, 828 F.2d 1385, 1390 (9th Cir. 1987) ("Court clerks have absolute quasi-judicial immunity from damages for civil rights violations when they perform tasks that are an integral part of the judicial process.").
2. Based on the Court's reading of *Harris v. Harris*, 935 F.3d 670, 674–75 (9th Cir. 2019), this dismissal will NOT count as a "strike" under 28 U.S.C. § 1915(g).
3. The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE** this file.
4. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order could not be taken in good faith and would lack any arguable basis in law or fact.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide a copy to *pro se* Plaintiff at his last known address.

DATED this 20th day of October 2020.



SALVADOR MENDOZA, JR.
United States District Judge